

**Statement of**  
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**United States Department Of Agriculture**

**Before the**  
**Subcommittee on Public Lands and Forests**  
**Committee on Energy and Natural Resources**  
**United States Senate**

**May 9, 2002**

**Concerning**

**S. 1139 Convey Land to Lander County, Nevada For Cemetery Use**  
**S. 1711 James Peak Wilderness, Wilderness Study, and James Peak**  
**Protection Area Act**  
**H.R. 1576 James Peak Wilderness and Protection Area Act**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Gloria Manning, Associate Deputy Chief for National Forest System, USDA Forest Service. I am here today to provide the Department's views on three bills: S. 1139, a bill to direct the Secretary of Agriculture to convey certain lands to Lander County, Nevada for continued cemetery use and S. 1711 and H.R. 1576, bills to designate the James Peak Wilderness and James Peak Protection Area in the Arapaho and Roosevelt National Forests.

1st  
**S. 1139—Convey certain land to Lander County, Nevada for continued use as a cemetery**

In summary, Section 1 of S. 1139 requires the Secretary through the Chief of the Forest Service to convey to Lander County, Nevada, for no consideration, all right, title, and interest of the United States in and to the 10 acres of National Forest System land known as Kingston Cemetery.

In accordance with Public Law 85-569, the Townsite Act, we have already conveyed 1.25 acres of land (on which the cemetery is located) to the Town of Kingston for \$500 on August 1, 2000. At the time of the conveyance, the Town of Kingston indicated the 1.25 acres encompassed all known marked and unmarked gravesites. The Town of Kingston also indicated that the 1.25 acres was adequate to accommodate their future expansion needs.

Specifically, all of the gravesites were accounted for within a half acre fenced area that the 1.25 acres encompassed. The additional .75 acres were intended for parking and anticipated expansion of the current cemetery.

If new unmarked gravesites have been discovered or the needs of the Kingston Cemetery have changed and are in the public interest, we would be supportive of making additional Federal lands available to the county or city

for fair market value and granting the county an easement to maintain the access road to the cemetery as a county road.

If Lander County is not willing to pay fair market value to purchase this land, we would be willing to consider authorizing its current and future use of this land under a special-use permit authorization.

The Department does not object to making additional Federal lands available to Lander County, Nevada in S. 1139, but the Department believes that the Forest Service can meet the objectives of Section 1 of this legislation under its current statutory authorities that would allow it to convey National Forest System lands to Lander County for land or fair-market value in cash.

*we believe that we have several authorities to convey these lands*  
For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska or the contiguous western states. Within certain limits, the Sisk Act authorizes the Secretary of Agriculture to exchange lands with states, counties, or municipal governments or public school districts for lands or money.

*and*  
Moreover, under the General Exchange Act, the Secretary of Agriculture can exchange National Forest System lands with State and local governments.

✓ These laws require the Secretary of Agriculture to obtain fair market value for exchanges or sales of National Forest lands. Indeed, the Federal policy, in recent decades has moved toward obtaining a fair return to the public for the value of lands conveyed out of Federal ownership.

*now I like to talk about*  
**S. 1711/H.R. 1576—To Designate the James Peak Wilderness and Protection Area**

The Department does not object to S. 1711 and H.R. 1576, bills that would designate the James Peak Wilderness and the James Peak Protection Area in the Arapaho and Roosevelt National Forests in Colorado.

*under these bills*  
In summary, S. 1711 and H.R. 1576 designate a wilderness area and a *would be designated the bills* protection area. In addition, S. 1711 and H.R. 1576 address acquisition of State and private lands within the protection area, direct the Forest Supervisor to construct *on a* a trailhead in the Fall River basin, and provide for technical assistance to local governments in repairing Rollins Pass Road.

Both bills would designate approximately 14,000 acres of land within the Arapaho and Roosevelt National Forests as the James Peak Wilderness and

add approximately 2,232 acres of the Arapaho and Roosevelt National Forests known as the Ranch Creek Addition to the Indian Peaks Wilderness.

Another 963 acres of the Arapaho and Roosevelt National Forests, known as the Fourth of July Addition, would also be added to the Indian Peaks Wilderness.

The bills would designate 16,000 acres of the Arapaho and Roosevelt National Forests as the James Peak Protection Area. Except as otherwise provided in the legislation, this area would be managed consistent with the direction established in the 1997 Revised Land and Resource Management Plan (LRMP) for the Arapaho and Roosevelt National Forests.

In addition, the bills require the Secretary to:

- Review and inventory all roads and trails in the Protection Area, no later than 2 years after the date of enactment, and restrict the use of motorized and mechanized travel to designated routes within the Protection Area.
- Make recommendations to Congress concerning the suitability of lands within the Special Interest Area for inclusion in the National Wilderness Preservation System.

- Conduct a study, not later than three years after funding, of the suitability and feasibility of establishing a loop trail for mechanized and other non-motorized recreation connecting Rogers Pass and Rollins Pass road. If the study indicates suitability and feasibility, the Secretary shall establish the loop trail;
- Prepare a report concerning the status of negotiations and acquisition of inholdings within the Protection Area. The Secretary may only acquire inholding within the Protection Area on a willing seller basis.
- Establish a trailhead in the Fall River basin and assign personnel to manage the use of National Forest System land in the Fall River basin south of the communities of Alice and St. Mary's Glacier, and prepare a report to Congress identifying the funding needed to implement this section.

S. 1711 and H.R. 1576 further state that the designation of wilderness areas and the Protection Area shall not establish buffer zones around those areas.

The bills also direct the Secretary, upon request, to provide counties technical assistance and otherwise cooperate with respect to repairing Rollins Pass road.

If repairs are completed, the Secretary is to close to motorized travel the roads and trails shown on the Rollins Pass road and trail closure map.

The 1997 Revised Land Management Plan recommended wilderness designation for the Ranch Creek Addition and Fourth of July Addition to the Indian Peaks Wilderness. The proposed James Peak Wilderness was not recommended for wilderness designation in the forest plan.

In addition, the forest plan provides direction under which concerns regarding travel management and dispersed recreation use can be addressed in the Rollins Pass, Rogers Pass, and Fall Creek basin areas.

While we believe the LRMP sufficiently protects the resource values in the proposed James Peak Wilderness and Protection Areas, we do not object to the additional designations contained in the bills.

Conclusion:

This concludes my statement; I would be happy to answer your questions.